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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/265,214	03/10/1999	BRUCE A. PHILLIPS	1552(USW-050	4266	
22193 7	590 02/07/2006		EXAMINER		
3	MUNICATIONS IN	LEE, CHI HO A			
1801 CALIFORNIA STREET, SUITE 3800			ART UNIT	PAPER NUMBER	
DENVER, CO			2663		
			DATE MAILED: 02/07/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Description   Descr	Office Action Summary		Application No.	Applicant(s)			
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Be attraction of ten many be waitined under the provision of 37 CFR 1.13(b), in no event, however, may a reply be timely filed  If NO period for reply is specified above, the maximum statutory period will exply and will exply set XI, 6) MONTHS from the malling date of this communication.  Fallets to reply while the set or centeded period for reply explored provided for reply is specified above, the maximum statutory period will exply and will exply set XI, 6) MONTHS from the malling date of this communication.  Fallets to reply while the set or centeded period for reply letty attains, cause the application to become ARANDEONE (5) US U.S. 2 STATE 1.73(a).  Any reply revived by the office later than these marchs after the malling date of the communication, even if timely filed, may reduce any series and period of the communication of the communication is non-final.  3) Responsive to communication(s) filed on 08 November 2005.  2a) This action is FINAL.  2b) This action is non-final.  3) Is since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 9 and 19 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  Application request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See			09/265,214	PHILLIPS ET AL.			
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Educations of time map be available under the proteins of 3 of Ft. 135(a), in a event, however, may a reply to brinkly filed other 50 (b) MONTHS from the mailing date of this communication.  1 NO period for reply is spelled based by. Be maderine arbitation princip will apply and will capite SLX (b) MONTHS from the mailing date of this communication.  1 NO period for reply is spelled above, the maderine arbitation princip will apply and will capite SLX (b) MONTHS from the mailing date of this communication.  1 NO period for reply is period deveror, the mailing date of this communication, even if timely filed, may reduce any seared patient term adjustment. See 37 CFR 1.704(b).  Status  1 NO Responsive to communication(s) filed on 08 November 2005.  2 a) This action is FINAL.  2 b) NO This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 9 and 19 Is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s)			Examiner	Art Unit			
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WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CFR 1.704(b). In or event, 1930, In no work, 1930, In 1930, I			ears on the cover sheet with the c	orrespondence address			
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1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date	<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No.</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> </ul>						
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152)  6) Other:	1) Notice 2) Notice 3) Inform	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	Paper No(s)/Mail Dai 5) Notice of Informal Pa	te			

Application/Control Number: 09/265,214

Art Unit: 2663

## **DETAILED ACTION**

## Claim Rejections - 35 USC § 112

- 1. The following is a quotation of the first paragraph of 35 U.S.C. 112:
  - The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
- 2. Claims 9 and 19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Re Claims 9 and 19, specification lacks written description to enable one skilled in the art to make the claimed invention. Claims 9 and 19 recite, "xDSL modems are operative to transmit to transit to the upstream xDSL in a contention-based protocol and .... to transmit to the plurality of downstream xDSL modems in a broadcast-based protocol.". Specification lacks description in implementing the contention-based protocol with the broadcast-based protocol. Specification page 7 discloses that the contention-based protocol can be CSMA/CD and the TDM-base protocol as the broadcast-based protocol. What is lacking is the description that clearly and concisely discloses the interoperability function between the protocols. Clearly, one skilled in the art recognizes a number of available contention and broadcast based protocols and without knowing the interoperability details results in undue experimentation.

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## Response to Arguments

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3. Applicant's arguments with respect to claims 9 and 19 have been considered but are most in view of the new ground(s) of rejection.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Lee whose telephone number is 571-272-3130. The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ΑI

ANDREW C. LEE PRIMARY PATENT EXAMINER